

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.

Reorganized Debtor.

Chapter 11

Case No. 19-34054 (SGJ)

MARC S. KIRSCHNER, AS LITIGATION
TRUSTEE OF THE LITIGATION SUB-
TRUST,

Plaintiff

Adv. Pro. No. 21-03076-sgj

v.

JAMES D. DONDERO; MARK A. OKADA;
SCOTT ELLINGTON; ISAAC LEVENTON;
GRANT JAMES SCOTT III; STRAND
ADVISORS, INC.; NEXPOINT ADVISORS,
L.P.; HIGHLAND CAPITAL MANAGEMENT
FUND ADVISORS, L.P.; DUGABOY
INVESTMENT TRUST AND NANCY
DONDERO, AS TRUSTEE OF DUGABOY
INVESTMENT TRUST; GET GOOD TRUST
AND GRANT JAMES SCOTT III, AS
TRUSTEE OF GET GOOD TRUST; HUNTER
MOUNTAIN INVESTMENT TRUST; MARK
& PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #1 AND LAWRENCE
TONOMURA AS TRUSTEE OF MARK &
PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #1; MARK & PAMELA
OKADA FAMILY TRUST – EXEMPT TRUST
#2 AND LAWRENCE TONOMURA IN HIS
CAPACITY AS TRUSTEE OF MARK &
PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #2; CLO HOLDCO, LTD.;
CHARITABLE DAF HOLDCO, LTD.;
CHARITABLE DAF FUND, LP.; HIGHLAND
DALLAS FOUNDATION; RAND PE FUND I,
LP, SERIES 1; MASSAND CAPITAL, LLC;
MASSAND CAPITAL, INC.; AND SAS ASSET

RECOVERY, LTD.,

Defendants.

HCMFA’S MOTION TO RECUSE PURSUANT TO 18 U.S.C. §§ 144 AND 455

Defendant Highland Capital Management Fund Advisors, L.P. (“HCMFA”) files this Motion to Recuse (the “Motion”) pursuant to 28 U.S.C. §§ 144 and 455.

For the reasons set forth in the Memorandum of Law in Support of this Motion and the exhibits referenced therein, and in consideration of the Affidavit of James D. Dondero filed simultaneously therewith, all of which are incorporated by reference as if fully set forth in this Motion, HCMFA respectfully requests that the Court recuse itself from the above-captioned Adversary Proceeding and any future contested matters involving HCMFA and grant HCMFA all other further relief, at law or equity, to which it is justly entitled.

Dated: February 27, 2023

Respectfully submitted,

STINSON LLP

/s/ Deborah Deitsch-Perez

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*Counsel for Highland Capital Management Fund
Advisors, L.P.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 27, 2023, a true and correct copy of this document was served electronically via the Court's CM/ECF system to the parties registered or otherwise entitled to receive electronic notices in this case.

/s/ Deborah Deitsch-Perez
Deborah Deitsch-Perez